Per R. Subhash Reddy, J

This is an appeal for setting aside order dated 15.11.2005 passed by the learned Single Judge in Writ Petition No.17050 of 2005 whereby he rejected the appellant's challenge to the appointment of respondent No.3 as implementing agency of Mid-Day Meal Programme (for short 'MDMP') in Mandal Parishad Primary School, Patha Upplapadu village, Nuzendla Mandal, Prakasam District.

The State of Andhra Pradesh introduced a scheme to serve mid-day meal in Mandal Parishad Primary Schools. For implementing that scheme, the Government issued guidelines, vide G.O.Ms.No.94 dated 25.11.2002 and fixed the following priorities in the matter of appointment of implementing agencies:

1. DWCRA Group
2. Self-Help groups
3. School Education Committee
4. other agencies like Temple
5. NGOs of proven track record
6. Charitable Trusts
7. Group of Parents.

Since no DWCRA group was operating in village Patha Uppalapadu at the relevant time, the appellant was appointed as implementing agency being Chairman of the Education Committee in Patha Uppalapadu Primary School. Subsequently, when a DWCRA group started functioning in the village, Respondent No.3, who is a member of the DWCRA group, was appointed as implementing agency, vide order dated 20.6.2005 issued by respondent No.2. This resulted in displacement of the appellant. He filed Writ Petition No.17050 of 2005 for quashing order dated

20.6.2005 by contending that the decision to appoint respondent No.3 as the implementing agency is vitiated due to violation of the rules of natural justice and mala fides.

In the counter-affidavit filed on behalf of respondents 1 and 2, it was averred that as per the guidelines issued by the Government, DWCRA group was to be given preference. However, due to non-availability of DWCRA group in Patha Uppalapadu village, the appellant was appointed as an implementing agency, as he was heading the School Education Committee. It was further stated that subsequently, a DWCRA group started functioning at Patha Uppalapadu village and as respondent No.3 happened to be its member, he was appointed as implementing agency. Respondents 1 and 2 denied the allegations made by the appellant that appointment of Respondent No.3 was actuated by mala fides.

The learned Single Judged dismissed the writ petition by observing that appointment of respondent No.3 as implementing agency does not suffer from any legal infirmity, because she was member of DWCRA group of Patha Uppalapadu village.

Shri Brahma Reddy, learned counsel for the appellant argued that the appointment of respondent No.3 and consequential removal of his client from the position of implementing agency is liable to be declared as nullity because the action of respondent No.2 was not preceded by any enquiry. He further submitted that the learned Single Judge committed an error by rejecting the appellant's plea that the appointment of respondent No.3 as implementing agency was vitiated due to mala fides.

Learned Government Pleader supported the order under challenge and submitted that appointment of the appellant as implementing agency did not create any legal or constitutional right in his favour and he cannot seek its enforcement. He further submitted that the appointment of implementing agency does not confer any financial or other benefit and, therefore, the appellant cannot complain against the action taken by respondent No.2 to appoint respondent No.3.

We have thoughtfully considered the respective arguments.

It is not in dispute that as per the guidelines issued by the Government, vide G.O.Ms.No.94, DWCRA group had to be given preference. The appellant was

appointed as implementing agency because there was no DWCRA group available in Patha Uppalapadu village at the relevant time. However, that did not create any enforceable or vested right in his favour and his replacement by respondent No.3 cannot be castigated on the ground of violation of the rules of natural justice.

We are further of the view that the reasons assigned by respondents 1 and 2 for appointing respondent No.3 as implementing agency is germane to the guidelines issued by the State Government, which postulates giving of preference to DWCRA group. It has not been controverted by the appellant that Respondent No.3 is a member of DWCRA group in the village, which was formed subsequent to his appointment as implementing agency. Once the DWCRA Group became available, respondent No.2 could legitimately appoint one of its members as the implementing agency. Thus, the appointment of respondent No.3 cannot be termed as illegal or vitiated due to violation of the rules of natural justice.

For the reasons mentioned above, the appeal is dismissed.

R. SUBHASH REDDY, J

23rd December, 2005

G.S. SINGHVI, CJ

Ajr/vtv